

SENATE RECORD VOTE ANALYSIS

105th Congress
2nd Session

Vote No. 114

April 30, 1998, 7:30 pm
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NATO EXPANSION/Defense Mission Only

SUBJECT: Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic . . . Treaty Document 105-36. Biden motion to table the Ashcroft amendment No. 2318.

ACTION: MOTION TO TABLE AGREED TO, 82-18

SYNOPSIS: Treaty Document 105-36, the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic, will give the Senate's advice and consent to admitting those countries as full members to the North Atlantic Treaty Organization (NATO).

The Ashcroft amendment would require the President, prior to depositing the instrument of ratification for this treaty, to certify that NATO was and is a defensive military alliance. More specifically, he would be required to certify: that "NATO is and will remain a defensive military alliance, and that Article 5 of the North Atlantic Treaty, which provides for the collective self-defense of NATO members against armed attack, continue to constitute the heart of that treaty"; and the United States will only support a military operation under the North Atlantic Treaty: if it is for "collective self-defense in response to an armed attack on the territory of a NATO member"; or if it is "in response to a threat to the territorial integrity, political independence, or security of a NATO member." Additionally, the amendment would add that the Senate declares that nothing in the North Atlantic Treaty, the Strategic Concept of NATO, or any other document setting forth the fundamental purposes, objectives, or missions of NATO may be construed as altering the constitutional authority of Congress or the President. Finally, the Ashcroft amendment would add this language in lieu of more expansive language in condition 1(B) of the resolution, which states in part that the Senate declares that NATO, in addition to its core purpose of territorial defense of members, may "on a case-by-case basis, engage in other missions when there is a consensus among its members that there is a threat to the security and interests of NATO members."

During debate, Senator Biden moved to table the Ashcroft amendment. A motion to table is not debatable; however, some debate preceded the making of the motion. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

(See other side)

YEAS (82)				NAYS (18)		NOT VOTING (0)	
Republican (37 or 67%)		Democrats (45 or 100%)		Republicans (18 or 33%)	Democrats (0 or 0%)	Republicans (0)	Democrats (0)
Abraham	Hatch	Akaka	Johnson	Ashcroft			
Allard	Jeffords	Baucus	Kennedy	Bond			
Bennett	Kyl	Biden	Kerrey	Brownback			
Burns	Lott	Bingaman	Kerry	Craig			
Campbell	Lugar	Boxer	Kohl	Faircloth			
Chafee	Mack	Breaux	Landrieu	Grams			
Coats	McCain	Bryan	Lautenberg	Grassley			
Cochran	McConnell	Bumpers	Leahy	Helms			
Collins	Murkowski	Byrd	Levin	Hutchinson			
Coverdell	Roth	Cleland	Lieberman	Hutchison			
D'Amato	Santorum	Conrad	Mikulski	Inhofe			
DeWine	Shelby	Daschle	Moseley-Braun	Kempthorne			
Domenici	Smith, Gordon	Dodd	Moynihan	Nickles			
Enzi	Snowe	Dorgan	Murray	Roberts			
Frist	Specter	Durbin	Reed	Sessions			
Gorton	Stevens	Feingold	Reid	Smith, Bob			
Gramm	Thomas	Feinstein	Robb	Thurmond			
Gregg	Thompson	Ford	Rockefeller	Warner			
Hagel		Glenn	Sarbanes				
		Graham	Torricelli				
		Harkin	Wellstone				
		Hollings	Wyden				
		Inouye					

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Those favoring the motion to table contended:

The Ashcroft amendment would impose an unacceptable and unilateral restriction on NATO. We understand, and share, some of our colleagues' concerns about this particular Administration's proclivity for using military force. We do not want to see NATO turned into an international police force; it should have as its primary purpose the defense of its territory. However, since its inception, it has always recognized the possibility that it may become necessary for it to engage in military actions outside of the territory of its members. Article IV expressly provides for consultation among members on common security interests, and we know that when NATO was founded then-Secretary of State Acheson was questioned on the subject and he said that section IV of the treaty would allow for military actions to defend security interests outside of members' territories. The fact that NATO was not involved in fighting in conflicts like Bosnia is due more to the fact that Europe was kept stable by the East-West conflict; now that the Cold-War has ended, old antagonisms have resurfaced across Europe, and those antagonisms pose grave threats to the stability of Europe. In our opinion, NATO has a justifiable role in containing them. Similarly, NATO has a justifiable role in responding to terrorist threats, including from the Middle East, that could pose grave dangers to the security of its members. We agree that NATO has been and will remain a defensive alliance, but in the post-Cold War world the reality is that in order to provide the needed defense it may have to take an active role in containing disputes outside of its members' territories. Putting a restriction on its abilities to defend its interests as proposed could cripple it in an emergency.

Another problem is that it would weaken the alliance politically. Other countries would not react well to a unilateral declaration by the United States that the purpose of NATO would be limited. We ask our colleagues to consider how they would react if the situation were reversed--what would their response be if several of our European allies said that NATO should be prohibited from acting in the Middle East to defend oil supplies? The proper way to make changes of the type advocated by the Ashcroft amendment is by consensus, not by unilateral declaration.

A third major problem with this amendment is that it would weaken the alliance militarily. Our European allies have allowed their defense forces to weaken dramatically, and they could use this amendment as an excuse for allowing further deterioration. Countries like Iran, Iraq, and Serbia that pose a threat to Europe would be greatly pleased by this result. The United States has expended a considerable deal of effort in getting Europe to be more actively involved in its own defense, and as a result those potential adversaries understand that if they engage in terrorist or expansionist behavior that will harm NATO interests they will face opposition from both the United States and NATO. Passage of the Ashcroft amendment would leave them facing the United States alone.

In the post-Cold War world, the threat of invasion of Europe has receded, but the threat of internecine civil wars, the threat of terrorist attacks with nuclear, chemical, and biological weapons, and the threat of political blackmail by cutting off energy supplies with force have greatly increased. To meet those threats new military strategies will be needed. The Ashcroft amendment would unwisely restrict the military options that may be needed to provide for the common defense. We therefore support the motion to table.

Those opposing the motion to table contended:

NATO was crafted to be a purely defensive military alliance and that is what it has been throughout its history, at least until very recently. Since the end of the Cold War some efforts have been underway to turn it into a mini-United Nations with a standing army that will be sent on military "peace-keeping" and "peace-making" adventures around the world. The Clinton Administration especially has championed that Orwellian mutation of this great defensive alliance. For instance, Secretary of State Albright has recently said that we should expand NATO into a "force for peace from the Middle East to central Africa" and former Secretary of Defense Perry said that there should be a global mission for NATO.

Some Senators have claimed that NATO was always envisioned as a body that could act to defend interests beyond defending the territorial integrity of its members. However, the express terms of the NATO treaty, the statements of the principals involved in drafting the treaty, and nearly 50 years of history repudiate that claim. The key article of the treaty, article 5, commits each country to the defense of the others from "armed attack." The next article makes clear that an armed attack means an attack against the territory of member nations or their military forces in specifically defined North Atlantic areas. Some of our colleagues have claimed that the NATO treaty envisions other military actions, because article 4 states: "The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened." However, that process of consultation does not include any military commitments, and drafters of the council made numerous statements at the time that the purpose of NATO was solely to defend member's territory. For instance, the Senate Foreign Relations Committee wrote in its committee report on the treaty that: "In both intent and language it [NATO] is purely defensive in nature. It comes into operation only against the Nation which by its own action has proved itself an international criminal by attacking a party to the treaty."

The clearest proof of the narrow defensive purpose of the alliance is that since its inception in 1949 until President Clinton

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browbeat it into assuming peace-keeping duties in Bosnia, NATO forces were never used in any military action outside of the territory of any of its members. The United States was involved in dozens of military actions in that timeframe, some of which were under the auspices of the United Nations, some of which were unilateral, some of which were conducted in concert with allies, and some of which were even conducted in concert with one or more of its NATO allies, but no one of which was a NATO mission. Similarly, many of the European members of the alliance have been involved in military conflicts around the globe, no one of which involved the alliance. It is utterly false, revisionist history to claim that there ever has been any intent of using NATO to fight in wars not related to the territorial defense of its members.

We are by no means saying that there are not instances, past and present, that call for the use of United States military force outside of Europe; we are only saying that it is inappropriate to use NATO forces for such wars. We believe that a large part of the strength of the NATO alliance has been that it has been so clearly focused on the common, clear goal of providing a common defense. If we allow its resources to be stretched thin, and its purpose diffused by pursuing military goals that almost of necessity are going